

AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2264

Introduced by Assembly Member De Leon
(Principal coauthor: Senator Liu)
(Coauthors: Assembly Members Bass, Jones, and Skinner)

February 18, 2010

An act to add Section 1463.011 to the Penal Code, relating to debt collection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2264, as amended, De Leon. Debt collection: homeless youth.

Existing law requires the Judicial Council to adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order.

This bill would ~~require the~~ *prohibit a court to consider collection alternatives to the garnishment of earnings from garnishing wages or the levy of levying a bank account for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court due to the violation of state or local law related to against a person under 25 years of age who has not paid a ticket for truancy, loitering, curfew violations, or illegal lodging if the court has reason to believe that the debtor is a homeless youth, as defined* *obtains information that the person is homeless or has no permanent address. This bill would authorize a court to use these collection procedures when that person*

is 26 years of age or older. The bill would make related findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) There are approximately 1.6 million homeless youths
- 4 nationwide, according to the United States Department of Justice.
- 5 (b) Youths become homeless and disconnected from their
- 6 parents for three primary reasons:
- 7 (1) They flee homes that have become dangerous.
- 8 (2) Their parents force them from their homes.
- 9 (3) As a matter of state policy, foster youths, who have been
- 10 abused or neglected, are forced onto the streets on their 18th
- 11 birthdays.
- 12 (c) Shelters are frequently full or predominantly serve adult
- 13 homeless persons. These shelters, even when they have available
- 14 space, can be dangerous for youths.
- 15 (d) Despite all of this, homeless youths are routinely ticketed
- 16 for offenses that are the inevitable symptoms of the homelessness
- 17 that adults have imposed upon them. These offenses include
- 18 truancy, loitering, curfew violations, and illegal lodging.
- 19 (e) The California Research Bureau has documented that if a
- 20 homeless youth fails to show up to contest or pay a ticket, that
- 21 homeless youth’s wages or bank accounts may be garnished and
- 22 his or her credit report may be damaged.
- 23 (f) Garnishment of the wages and savings of a homeless youth
- 24 and the damage to his or her credit report makes it far harder for
- 25 homeless youths, attempting to pull themselves up by their
- 26 bootstraps, to rent their own apartments and end their homelessness
- 27 by their own willpower and initiative.
- 28 (g) The state should not tolerate practices that promote
- 29 homelessness among its young people. It should certainly not do
- 30 so by taking sums of money from homeless youths trying earnestly
- 31 to work and save their way out of their homelessness, when it is
- 32 the state and adults who have forced these youths into homelessness
- 33 in the first place.

1 (h) Moreover, crimes are often made crimes to dissuade
2 individuals from engaging in unwanted behavior. But, homeless
3 youths are not homeless by election. Thus, because taking money
4 from homeless youths makes it more, and not less, likely that they
5 will continue to be homeless, these practices actually encourage
6 the commission of offenses the laws are meant to dissuade, such
7 as vagrancy and loitering.

8 (i) It is therefore in the best interest of the state to discourage
9 practices that make it more difficult for youths who are homeless
10 by the hand of adults to obtain housing on their own, through their
11 own hard work, against significant odds, without exculpating them
12 from the offenses they commit.

13 ~~SEC. 2. Section 1463.011 is added to the Penal Code, to read:~~

14 ~~1463.011. (a) The court shall consider collection alternatives~~
15 ~~to the garnishment of earnings or the placement of a levy on a bank~~
16 ~~account for the enforcement or collection of fees, fines, forfeitures,~~
17 ~~or other penalties imposed by a court due to the violation of a state~~
18 ~~or local law related to truancy, loitering, curfew violations, or~~
19 ~~illegal lodging if the court has reason to believe that the debtor is~~
20 ~~a homeless youth.~~

21 ~~(b) For purposes of this section, “homeless youth” means a~~
22 ~~person younger than 25 years of age who has violated a provision~~
23 ~~of state or local law related to loitering, truancy, curfew, or illegal~~
24 ~~lodging and who lacks a fixed, regular, adequate nighttime~~
25 ~~residence. “Homeless youth” includes, but is not limited to, a~~
26 ~~person who, due to loss of housing, lack of adequate alternative~~
27 ~~accommodation, economic hardship, or because he or she is~~
28 ~~awaiting placement in foster care, presently resides in any of the~~
29 ~~following:~~

30 ~~(1) The home of a person who is not his or her parent or legal~~
31 ~~guardian.~~

32 ~~(2) A motel, hotel, or campground.~~

33 ~~(3) An emergency transitional shelter or hospital.~~

34 ~~(4) A public or private place that is not designed or ordinarily~~
35 ~~used for a regular sleeping accommodation for human beings,~~
36 ~~including, but not limited to, a park or other public space, an~~
37 ~~abandoned building, an automobile or other vehicle, or a bus or~~
38 ~~train station.~~

39 ~~SEC. 2. Section 1463.011 is added to the Penal Code, to read:~~

1 1463.011. (a) Notwithstanding any other provision of law, if
2 a court, during the course of its routine efforts to collect fees, fines,
3 forfeitures, or other penalties imposed by a court due to the
4 violation of a state or local law, obtains information indicating
5 that a person under 25 years of age, who has not paid a ticket for
6 truancy, loitering, curfew violations, or illegal lodging, is homeless
7 or has no permanent address, the court shall not garnish the wages
8 or levy against bank accounts of that person until that person is
9 older than 25 years of age, as that age is recorded by that person's
10 credit report or other document already in the possession of the
11 court.

12 (b) For purposes of this section a person is considered to be
13 "homeless" or as having "no permanent address" if that person
14 does not have a fixed, regular, adequate nighttime residence, or
15 if that person resides in any of the following:

16 (1) The home of a person who is not his or her parent or legal
17 guardian.

18 (2) A motel, hotel, or campground.

19 (3) An emergency transitional shelter or hospital.

20 (4) A public or private place that is not designed or ordinarily
21 used for a regular sleeping accommodation for human beings,
22 including, but not limited to, a park or other public space, an
23 abandoned building, an automobile or other vehicle, or a bus or
24 train station.

25 (c) Nothing in this section shall be construed to prevent a court
26 from engaging in any other lawful debt collection activities.

27 (d) Nothing in this section shall be construed to require a court
28 to perform any further investigation or financial screening into
29 any matter beyond the scope of its regular duties.

30 (e) Nothing in this section shall be construed to prevent the
31 Judicial Council from altering any best practices or
32 recommendations for collection programs pursuant to Section
33 1463.010.